

TOWN OF EMMITSBURG

300A South Seton Avenue
Emmitsburg, Maryland 21727
301-600-6300 fax 301-600-6313

Mayor
Donald N. Briggs
Town Manager
David Haller
Town Clerk
Cathy Willets

Board of Commissioners
Timothy O'Donnell, President
Clifford L. Sweeney
Glenn Blanchard
Jennifer Mellor
Joseph Ritz III

TOWN MEETING AGENDA JUNE 15, 2015

I. CALL MEETING TO ORDER (7:30PM)

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. NEXT MEETINGS:

Town Meeting, July 6 @ 7:30pm

Citizens Advisory Committee, July 21 @7:30pm

Planning Commission Meeting, July 27 @ 7:30pm

C. APPROVE MINUTES FROM June 1, 2015 TOWN MEETING

D. POLICE REPORT

E. TOWN MANAGER'S REPORT

F. TOWN PLANNER'S REPORT

G. COMMISSIONER COMMENTS

H. MAYOR'S COMMENTS

I. PUBLIC COMMENTS

J. ADMINISTRATIVE BUSINESS (see attached)

K. CONSENT AGENDA

II. AGENDA ITEMS:

- 1. Ordinance 2015-01 text amendment 17-20-0202 B1
Neighborhood Zoning District item for consideration*
- 2. Ordinance 2015-02 revision of 17-20-040 Commercial Buffer
for consideration*

III.SET AGENDA ITEMS FOR JULY 6, 2015, TOWN MEETING

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

ITEM C

APPROVE MINUTES FROM JUNE 1, 2015 TOWN MEETING

**MINUTES
TOWN MEETING
June 1, 2015
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners Clifford Sweeney; Glenn Blanchard and Tim O'Donnell, President.

Staff present were Cole Tabler, Town Accountant; Cathy Willets, Town Clerk and Dave Haller, Town Manager

Absent: Commissioner Mellor with prior notice and Commissioner Joseph Ritz III.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the June 1, 2015 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Approval of Minutes

The Minutes of the May 18, 2015 Town Meeting were approved as presented.

Commissioner Comments

Commissioner(s) cited recognitions and announcements to include thanks to all who attended the Mother Seton Carnival and thanks to the Lions Club for the carwash. The garden plots have all been rented; can add frames and soil if needed for additional plots. Some people are going to donate some of their produce to the Emmitsburg Food Bank. The Sons of the American Legion will be having a fishing derby at the pond between Emmitsburg and Thurmont.

Mayor's Comments

Mayor Briggs welcomed about 300 guests from the Emergency Management Institute/FEMA who will be visiting Emmitsburg this week. He announced at the last MML meeting the town received \$16,000 in POS money, town requested \$18,000. Town will be able to get a back stop and a dog park. Mr. Haller interjected staff will have to rebid the back stop; probably this fall. The dog park will probably happen next spring. Mayor Briggs announced the Maryland Storm Team got to the finals and won the championship also the Cal Ripkin tournament will be held in Emmitsburg over the 4th of July. The sidewalks on South Seton will be replaced from the entrance of FEMA up to the square; this will be within the next 60 days. The sidewalks on North Seton will be replaced next year. East and West Main Street will probably be tied into the bridge project. The Brookfield and Tannery Lane gap will not be included in this sidewalk process. Mayor Briggs also announced that two students from Mount Saint Mary's will be going to Australia for 8 weeks to play rugby; he wishes them the best of luck. General Dollar should be opening by the end of the month. Mayor Briggs announced that he will not be here the first meeting in July and would like to cancel the second town meeting in the month of August.

Administrative Business

- Recommendation for Ethics Committee Member – Robert Rosensteel is stepping down from the Board of Appeals and has been recommended for Ethics Committee. Commissioner O'Donnell made a motion to place Mr. Rosensteel on the Ethics Committee. Motion seconded by Commissioner Blanchard. Vote 3-0 in favor. Commissioner Mellor and Ritz absent.
- Right-of-way agreement to cover electric facilities at second solar field. The agreement is necessary to hook up to second field. Commissioner Blanchard

TOWN AGENDA

June 15, 2015

made a motion to accept the easement right-of-way to the second solar field as presented. Motion seconded by Commissioner Sweeney. Vote 3-0 in favor. Commissioner Mellor and Ritz absent.

- Review of flagged line of the family multi user trail – Flags are in place. There are three stacked loops; intent to be rider friendly for beginner riders. Commissioner Blanchard made a motion to accept the flag line on the multi user trail and second by Commissioner Sweeney. Vote 3-0 in favor. Motion made by Commissioner Blanchard to approve Trail Conservancy to begin construction on the family multi-user trail and second by Commissioner Sweeney. Vote 3-0 in favor. Commissioner Mellor and Ritz absent.

Consent Agenda – none

Reports:

Treasurer's Report – Commissioner Blanchard reported on April 2015 cash activity. Detailed report at Exhibit A.

Planning Commission Report: Commissioner Sweeney reported that the Planning Commission met on May 26, 2015 and accepted the comp plan. It was sent to state for review. The commission also approved Ordinance 2015-01 and Ordinance 2015-02 to be sent to the Board for consideration.

II. Agenda Items

Assembly report from Delegate Afzali

Item canceled – no show.

Consideration of draft budget for Fiscal Year 2016

Mr. Haller stated at the last meeting he recommended the Board to look over the budget further and encouraged them to email or contact staff with any concerns. This budget covers the same services at less money. He stated this is a solid budget and recommends approval. Mayor Briggs commented that town will need \$150,000 for square to compliment the monies from SHA and at least \$140,000 for the Mount Saint Mary's Trail which is not in the budget. Mr. Haller commented town will be able to pay without raising taxes. Brief discussion ensued in regards to accepting the budget with two Board members being absent. Staff did not have any contact from absent commissioners with any concerns in regards to the budget. Also there was a brief discussion about the Emmit Gardens tot lot. Mr. Haller reported it is funded and money is being carried over.

Motion: to approve the Town of Emmitsburg Fiscal Year 2016 budget as proposed. Motion made by Commissioner Sweeney and seconded by Commissioner Blanchard.

Vote 3-0 in favor.

Commissioners Mellor and Ritz absent.

Ordinance 15-03 To Adopt the FY2016 Budget

Commissioner O'Donnell read aloud Ordinance 15-03 to Adopt the Budget for the Town of Emmitsburg for the Fiscal Year July 1, 2015 through June 30, 2016.

TOWN AGENDA

June 15, 2015

Motion: to accept Ordinance 15-03 as read.

Motion made by Commissioner Blanchard and seconded by Commissioner Sweeney.

Vote 3-0 in favor.

Commissioners Mellor and Ritz absent.

Set Agenda Items for June 15, 2015 Town Meeting

- 1.** Ordinance 2015-01 Text Amendment to Section 17-20-020 B1-Neighborhood Zone District. - consideration
- 2.** Ordinance 2015-02 Commercial Buffer – revision to Section 17-20-040 - consideration

III. Public Comments – none

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

V. Adjournment

With no further business, the June 1, 2015 Town Meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Vickie L. Felix
Recording Secretary

Date Approved:

ITEM D

POLICE REPORT – to be presented at meeting

ITEM E

TOWN MANAGER REPORT

**Town Manager's Report
MAY, 2015**

Prepared by David Haller

Streets:

- Staff repaired a number of street lights
- We had Mr. Striper painting a number of yellow lines and stop bars
- Staff cleaned east and west main street
- Staff hung the American flags on the light poles

Water:

- Rainbow Lake is now at the spillway level.
- The roughing filters are being backwashed one time a day and the DE filters are being done once per week.
- Our wells are down an average of 3.1 feet from May 2011 levels.
- Water production and consumption. We produced and purchased an average of 331,080 GPD. We consumed an average of 316,008 GPD.

The difference is "Backwash Water" ... (3.09%). We purchased 279,100 gallons of water from MSM this month.

- 43.5% of this water came from wells.
- 3.0% of this water came from Mt. St. Mary's.
- 53.5% of this water came from Rainbow Lake.

Wastewater:

- The overland flow treatment system is up and running for the season.
- We received about 2.4" of precipitation this month (the average is 4.5").
 - We have a precipitation **SURPLUS** of 3.8" over the last six months. The average precipitation for the period from December 1 thru May 31 is 22.2". We have received 26" for that period.
- Wastewater Treatment:
 - We treated an average of 470,000 GPD (consumed 316,008 GPD) which means that 32.8% of the wastewater treated this month was "wild water".
 - We had no spills of untreated sewerage in the month of May.
 - We did not exceed the plant's design capacity in the month of May.

Trash: Trash pickup will remain Mondays for the remainder of the month of June.

TOWN AGENDA

June 15, 2015

Parks:

- Staff turned the water on and opened the pool and splash park.
- Staff had Bollinger Construction and Kelco Plumbing working on the upgrade to restrooms in Memorial park.
- Staff used the backhoe to lift the picnic table from Silo Hill park out of the woods after someone threw it into the woods from that park.
- Staff used the cyclone rake to clean-up trash and leaves around the ballfields.

I Recently Attended the Following Meetings:

- 05/04 Met with the Mayor to review agenda
- 05/13 Met with the Mayor to review the proposed budget
- 05/18 Met with the Mayor to review the agenda
- 05/20 Met with SHA staff to review and discuss the sidewalk rehab project

PARKING ENFORCEMENT REPORT

Date: May 2015

Overtime Parking: 78

Restricted Parking Zone: 2

Parked in Crosswalk:

Parked on Sidewalk: 1

Parked Blocking Road:

Parked by Fire Hydrant:

Parked on Highway:

Failure to Park between Lines:

Other Violation:

Left Side Parking:

Meter Money: \$1,397.18

Parking Permits: \$115.00

Meter Bag Rental: \$26.00

Parking Ticket Money: \$ 425.00

Funerals:

Total: \$ 1,963.18

Zoning/Code Enforcement Report**May 2015**

1. Requested and received the Power Star contract. Sent to John Clapp for review. Need to meet to go over his comments.
2. Continue to coordinate Dollar General construction. Talked to engineer about drainage pipe. Discussed utility connections and issued Infrastructure permit. Discussed Temporary Use and Occupancy due to the SHA delays in SWM and Water connection.
3. Arranged and attended a follow up TAC signage meeting at the Town offices.
4. Reviewed the final Emmitt Gardens survey with the Town Manager. Waiting for final copies to record.
5. Reviewed final Community Assessment survey results, which were tabulated by Mount Saint Mary's. Held a Green Team meeting to go over the results and began assembling a final Community Action Plan.
6. Contacted GHD and had a final disturbed area plan made for SCD resubmittal for the Waste Water Treatment Plant. Delivered plans to SCD and picked up signed mylars.
7. Register and attend the Community Sustainability Seminar in Frederick City.
8. Contacted FEMA about revisions to the water plan.
9. Resubmitted the Notice of Intent to MDE for the Waste Water Plant.
10. Updated electrical usage charts.
11. Met again with Trinity United regarding their permit application for addition.
12. Attended a Frederick County Sustainability Committee meeting with the Mayor to receive a Certificate of Recognition.
13. Submitted the TAP funding application for design grant funding of the Old Emmitsburg Road trail project.
14. Submitted a Tourist Area corridor request to have Town Square added to Rte. 15 signage.
15. Submitted an application to the SHA Safe Routes to School grant program to support the East Lincoln sidewalk project.
16. Continue to coordinate with State Highway on sidewalk and Town Square projects.
17. Coordinate mowing with Landscape Contractor.
18. Meet with Middletown government to discuss GIS systems.
19. Provide information for possible change of use on East Main Street.
20. Draft response for Seton Center tap issue.
21. Tour town for Code Enforcement.

Zoning permits and/or zoning letters issued

Date	Address	Type	Fee
05-06-15	2025 Pembroke Court	Shed	\$36
05-07-15	210 S Seton	Roof repair	\$65
05-11-15	216 E Main St	Scaffolding	NC (legacy)
05-29-15	523 W Main St	Porch repair	\$35

ITEM F

Planner's Report

May 2015

Susan H. Cipperly, Town Planner

1. 2015 Comprehensive Plan was the primary activity. Analyzed necessary factual/data updates and continued to do research, calculations, re-writes of affected sections. Met with Planning Commission on May 12 and May 26. PC passed motion at May 26 meeting to recommend sending the May 26, 2015 draft to the MD Dept. of Planning for the required review, and to Frederick County for their review.
2. At May 26 meeting, Planning Commission made recommendations regarding the proposed text amendments Ord. 2015-01 and 2015-2, which were forwarded by the Board of Commissioners. Prepared draft minutes (due to absence of Sec'y) and provided to Planning Commission members for review.
3. Prepared and submitted legal ad for zoning ordinance change hearing on June 15, 2015 at Town Meeting.
4. Prepared pdf format of entire 2015 Comp Plan draft and sent CD to MDP and Frederick County Planning. Draft of 2015 Comp Plan update is on the Town website.
5. Community Legacy projects.
 - Two applications were received for March 31, 2015 round. CL Work Group met on April 30, 2015 to discuss these. Chronicle Building application sent to MHT review, 1-3 East Main St. was securing a bid for additional work suggested by the CL Work Group. This has been received and will be processed for MHT review.
 - Three applications received for May 15 round.
 - Assisted potential applicants via describing the program and the information required.
 - 216 & 218 E Main masonry restoration in progress. 1-3 E Main finished front roof replacement and will submit reimbursement request proofs.
6. Received finalized FY2015 Community Legacy contract for \$50,000.
7. Provided information to Frederick County permitting in reference to history of All American Hot Dog stand's request to be connected to town water/sewer. (It is outside of town, so would need to annex and pay for extending service and pay for tap capacity.)
8. Supervised Zoning and Code Enforcement.

ITEM J

ADMINISTRATIVE BUSINESS

Recommendation to appoint Frank Schmearsal to the Ethics Committee

ITEM K

CONSENT AGENDA

No items

AGENDA ITEMS

ITEM 1

*Ordinance 2015-01 text amendment 17-20-020 B1
Neighborhood Zoning District item for consideration*

Planning Commission recommendations regarding referred text amendments:

Ord. 15-01 – B-1 Zoning Text Amendment.

- Motion to recommend as stated made by C. Sweeney, P. Boyle 2nd. Passed 4-0

AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 17.20.020 the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike out~~.

17.20.020 – Uses permitted in the B-1 neighborhood business district.

Permitted uses in the B-1 neighborhood business district are as follows:

- A. Lodging, bed and breakfast, rooming house.
- B. ~~Neighborhood~~ **SMALL** scale retail business and service providers. **DRIVE-THROUGH SERVICE IS NOT ALLOWED.**
- C. Food service, such as, but not limited to, restaurants, coffee shops, and similar uses, either as a principal use or as one use within a mixed-use structure, such as a convenience store. Drive-through service is not allowed.
- D. Business and Professional Office. Medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance, **CONSULTANT**, ~~and~~ utility company offices, **AND THE LIKE**. Animal hospitals and clinics with no open kennels.
- E. Children's nursery, prekindergarten, and other private schools.
- F. Accessory uses or buildings.
- G. Business and advertising signs, public building signs or bulletin boards when attached to a building pertaining to the use of the property on which the sign is located, provided that they meet the requirements of [Chapter 15.16](#). **A MONUMENT SIGN IS ALLOWED; HOWEVER IT MUST MEET THE REQUIREMENTS OF §15.16.030.I AND L, REGARDING SIGN LOCATION**
- H. **RESIDENTIAL USE IN EXISTENCE AS OF JANUARY 1, 2015 MAY CONTINUE AS RESIDENTIAL USE.**

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

ORDINANCE SERIES: 2015
ORD. NO. 2015-01

PAGE 2 OF 2

PASSED this _____ day of _____, 2015 by a vote of
_____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:
COMMISSIONERS

EMMITSBURG BOARD OF

By: _____
Vickie Felix, Recording Secretary

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2015.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as
required by Chapter 2.04 of the Emmitsburg Municipal Code.

Date: _____

Cathy Willets, Town Clerk

AGENDA ITEMS

ITEM 2

Ordinance 2015-02 revision of 17-20-040 Commercial Buffer for consideration – attached is the original ordinance and then one with the suggested changes.

Planning Commission recommendations regarding referred text amendments:

Ord.15.02 – Commercial districts

- Motion by C. Sweeney to recommend making the following changes:
 - Make section title “**Commercial District Buffer**”
 - Amend first paragraph to read “Where a commercial zoning district is adjacent to a residential zone, a buffer zone will be provided **BY THE COMMERCIAL PROPERTY OWNER**, as follows:.....
 - Paragraph B.roads within the **ADJACENT** residential zoning district.

Second by S. Starliper. Motion passed 4-0.

AN ORDINANCE TO AMEND
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The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike out~~.

17.20 COMMERCIAL DISTRICTS

WHERE A COMMERCIAL ZONING DISTRICT IS ADJACENT TO A RESIDENTIAL ZONE, A BUFFER ZONE WILL BE PROVIDED AS FOLLOWS:

A. A 6-FOOT TALL, SOLID FENCE WILL BE INSTALLED AND MAINTAINED ALONG THE PROPERTY BOUNDARY ABUTTING THE RESIDENTIAL ZONING DISTRICT.

B. LANDSCAPING WILL BE INSTALLED AND MAINTAINED TO SCREEN PARKING AREAS SO AS NOT TO BE VISIBLE FROM ROADS WITHIN THE RESIDENTIAL ZONING DISTRICT.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this _____ day of _____, 2015 by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Vickie Felix, Recording Secretary

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

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The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

17.20 COMMERCIAL DISTRICT BUFFER

WHERE A COMMERCIAL ZONING DISTRICT IS ADJACENT TO A RESIDENTIAL ZONE, A BUFFER ZONE WILL BE PROVIDED BY THE COMMERCIAL PROPERTY OWNER, AS FOLLOWS:

A. A 6-FOOT TALL, SOLID FENCE WILL BE INSTALLED AND MAINTAINED ALONG THE PROPERTY BOUNDARY ABUTTING THE RESIDENTIAL ZONING DISTRICT.

B. LANDSCAPING WILL BE INSTALLED AND MAINTAINED TO SCREEN PARKING AREAS SO AS NOT TO BE VISIBLE FROM ROADS WITHIN THE ADJACENT RESIDENTIAL ZONING DISTRICT.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this _____ day of _____, 2015 by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Cathy Willets, Town Clerk

Timothy O'Donnell, President

MAYOR

APPROVED _____ VETOED

IV) SET AGENDA ITEMS FOR JULY 6, 2015 TOWN MEETING

1.

2.

3.

4.

5.

6.

**V) SIGN APPROVED TEXT AMENDMENTS AND/OR
RESOLUTIONS**